

REMARKS

The prior rejections of the pending claims set forth in the Office Action of August 8, 2007, have been sustained by the Examiner. In particular, claims 26-27, 29-30, 117-118, 120-121, 124-135 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Marshall et al. (US 2005/0208995) in view of Thomas et al. (US 2002/0049975 A1). Claims 1-6, 9-25, 28, 92-97, 100-117, and 122-123 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Marshall et al. (US 2005/0208995) in view of Thomas et al. (US 2002/0049975 A1) as applied to claims 26 and 117, and further in view of Brenner et al. (U.S. 6,089,981) and Boylan, III et al. (U.S. 6,712,701). Of the claims pending, claims 26, 117, and 126 are the independent claims. Reconsideration of this rejection is requested in view of the following arguments.

The Examiner has recognized that the primary Marshall '995 reference does not disclose significant features of the independent claims, particularly a track board that concurrently displays together in a single graphical interface a listing of a plurality of tracks along with a listing of a plurality of races at each of the displayed tracks for a date selected by the user. To overcome this deficiency, the Examiner has held that this unique feature is simply a matter of design choice for one skilled in the art to customize the window 9200 of Marshall '995 to include the feature. In particular, the Examiner states:

Marshall provides means to store races, the track for each race and the status for each race. Marshall provides means to display such information. Providing a customizing menu that allows the user to customize the type of information pulled from a data source and displayed on window 9200 is an obvious design choice.

Applicant respectfully submits that the Examiner has significantly downplayed the features of the present invention by labeling such features as a “design choice.” Marshall '995 illustrates and describes a highly structured drop down menu architecture for visually displaying

race information. As discussed extensively in applicant's last amendment, referring to Figs. 93-99, access to the information and various displays in the Marshall '995 system proceeds through the flow chart structure of Fig. 91 and is presented to the user in the selection screen of Fig. 92. Applicant acknowledges that, eventually, a user of the system will be able to determine what races are run at a selected track on a selected date. However, there is no possible configuration of the architecture structure disclosed in Marshall '995 that will result in the user being provided with a single visual interface having a listing of a plurality of tracks along with a listing of all of the races at each of the tracks for the date selected.

The Examiner relies on the "customize" term in paragraph 0019 of Marshall as the basis for the "obvious design choice" rejection. In particular, the Examiner refers to this paragraph and states:

This is the reason why the Examiner holds this feature as a matter of design choice to customize the window 9200 to include more information about the races listed such as the track for each race and status.

However, the customization feature referred to in paragraph 0019 *does not relate to the graphical displays*. The customization feature is an option for the IVR embodiments described in Marshall '995. The "IVR" embodiments relate to "Interactive Voice Response." In other words, *this customization feature does not relate to the graphical interface embodiments in the reference*, but to voice (e.g., telephone) embodiments. The IVR customization process is further described in paragraph 0184 of the reference. This customization process gives the user the option to determine the data he hears with respect to a given horse race selected through the IVR process. Applicant has carefully considered the Marshall '995 reference, and there is no teaching or suggestion of any customization feature with respect to the graphical display menus that results in the single graphical interface containing the data set forth in the present independent

claims. In fact, applicant respectfully submits, that such a customization feature would not be provided because the user can readily obtain the information with respect to any given race by using the various drop down menus, an option that is obviously not available through a telephone IVR system.

As previously set forth, the method of independent claim 26 results in significant and unique advantages to the user. For example, by providing the user with a track board having all of the races for a number of different tracks on a date selected by the user, the user has the option to simultaneously consider all of their options on a single graphical display prior to making any wagering decision. This is a significant improvement over the system of Marshall '995, wherein the information for any given race at any given track may be obtained through the various drop down menus, but data regarding different races is not simultaneously presented for consideration to the user. The highly useful display of the present system allows the user to process a significant amount of information with respect to various races, without overwhelming the user. The user can quickly and easily distinguish individual races from each other and identify races of interest that are open for wagering, completed, or not yet open for wagering. Thus, the user could essentially devise a wagering plan for an entire day at a number of different tracks based on the single graphical interface display. Such uses and advantages are extremely beneficial to a user, are not possible with the system of Marshall '995, and are not rendered obvious by the system of Marshall'995 as a matter of design choice.

Applicant respectfully submits that characterization of the present invention as a "mere matter of design choice" in view of Marshall'995 lacks reasonable foundation. The advantages of the present invention are only appreciated after consideration of the present disclosure. The presentation of comprehensive information in accordance with the present claims is a vast

improvement upon the drop down menu architecture of Marshall '995 wherein such information may be eventually obtained, but only for a single race at a single track, and such improvement and advantages should be given due consideration.

Accordingly, applicant respectfully submits that independent claims 26, 117, and 126 patentably define over the above-cited references, taken along or in combination. Applicant respectfully submits that, all of the pending claims are allowable, and that the application is in condition for allowance. Favorable action thereon is respectfully requested. Reconsideration and withdrawal of the final rejection is respectfully requested.

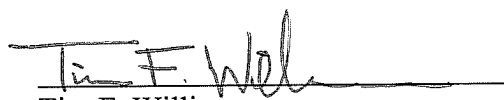
The Examiner is invited to telephone the undersigned at his convenience should he have any questions or issues after consideration of this response in order to permit an early resolution of the application.

It is believed no fees are required for filing this response, however, if there are fees due for this filing, please charge any additional fees required by this response to Deposit Account No. 04-1403.

Respectfully submitted,

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